

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**RFA No.4039 of 2016(O & M)
Date of Decision:16.01.2017**

Raj Kumar

....appellant

Versus

Union Territory, Chandigarh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Rajesh Verma, Advocate for
Mr.Neeraj Sharma, Advocate
for the appellant

ARUN PALLI, J. (ORAL):

CM No.11084-CI of 2016

This is an application for condonation of delay of 1210 days in filing the appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgement dated 22.09.2015, rendered by this Court in **RFA No.2870 of 2009**, titled “Gurdev Singh and others versus U.T.Chandigarh”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners to ₹ 43,28,000/-.

Notice.

On the asking of the Court, Mr.Suvir Sehgal, Senior standing counsel with Mr.Deepak Sharma, Advocate, present in the Court, accepts notice on behalf the respondent.

The factual position as set out above, is not disputed by learned counsel for the respondent.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision of the Hon'ble Supreme Court in *Imrat Lal and others v. Land Acquisition Collector and others*, 2015(2) RCR (Civil) 437 and *Dhiraj Singh (D) Tr. LRs. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 1210 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

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For, the learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this court in Gurdev Singh's case (Supra), the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.1210 days.

January 16, 2017
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No